

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:16-MJ-1914-RN-1

UNITED STATES OF AMERICA

v.

EDGUAR JOEL HERNANDEZ-  
AMERICA,

Defendant.

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**ORDER**

This case comes before the court upon notice from the United States Marshals Service that defendant, whose initial appearance was scheduled for this morning, has a medical condition that will not allow him to appear in court without risk to the health of others. The court is further informed that in order to restore defendant's health he is being transported to a health care facility where he will be examined and treated pending further court proceedings.

Accordingly, defendant's initial appearance is hereby CONTINUED until such time as his medical condition is resolved. The court will reschedule the initial appearance upon the filing by the government or defendant, under seal without further order of the court, a statement signed by defendant's attending physician indicating, with appropriate supporting information, that defendant can appear in court without jeopardizing the health of others, including, but not limited to, the security personnel who would be in direct physical contact with him.

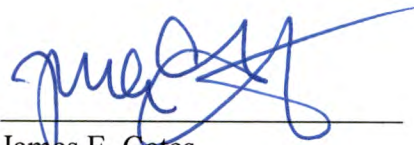
Any delay that results from this continuance shall be excluded from the Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A) on the grounds that the ends of justice served by granting this continuance—namely, the restoration of his health so that he may appear in court without presenting a risk to the health of others—outweigh the best interest of the public and the defendant in a speedy trial. Alternatively, delay resulting from proceedings, including

examinations, to determine the physical capacity of defendant, the transportation of defendant to and from places of examination and treatment, and the physical inability to appear in court shall be excluded pursuant to 18 U.S.C. § 3161(h)(1)(A), (F) and (4), respectively.

Defendant, who is presently in the custody of United States Immigration and Customs Enforcement ("ICE"), shall remain in ICE custody pending further order of the court.

The court is appointing counsel for defendant by separate order.

This 28th day of October 2016.



James E. Gates  
United States Magistrate Judge